

**SUPREME COURT MINUTES
THURSDAY, JANUARY 13, 2005
SAN FRANCISCO, CALIFORNIA**

S110328

B157650 Second Appellate District,
Division One

HOME INSURANCE CO. v. S.C. (MONTROSE
CHEMICAL CORP.)

Opinion filed: Judgment reversed

Majority Opinion by George, C.J.
--- joined by Kennard, Baxter, Werdegar,
Brown, Moreno, Turner*, JJ.

*Hon. Paul Turner, Presiding Justice, Court of
Appeal, Second Appellate District, Division
Five, assigned.

S111309

E029720 Fourth Appellate District,
Division Two

PEOPLE v. BETTS

Opinion filed: Judgment affirmed in full

Majority Opinion by George, C.J.
--- joined by Kennard, Baxter, Werdegar, Chin,
Brown, Moreno, JJ.

S129388

B169489 Second Appellate District,
Division Four

PEOPLE v. WOODRUFF

Time extended to grant or deny review

to February 18, 2005

S129429

H024429 Sixth Appellate District

PEOPLE v. SCOTT

Time extended to grant or deny review

to February 21, 2005

S129436

C043149 Third Appellate District

PEOPLE v. TATE

Time extended to grant or deny review

to February 21, 2005.

S129453

D041736 Fourth Appellate District,
Division One

PEOPLE v. WILLIAMS

Time extended to grant or deny review

to February 18, 2005.

S129463B161549 Second Appellate District,
Division Two

CITY OF HOPE v. GENENTECH

Time extended to grant or deny review

to February 22, 2005.

S129464B174980 Second Appellate District,
Division Five

TALENT TREE v. W.C.A.B. (WALERSTEIN)

Time extended to grant or deny review

to February 22, 2005.

S015384

PEOPLE v. LETNER & TOBIN

Extension of time granted

to March 9, 2005 to file respondent's brief.
After that date, only one further extension
totaling about 60 additional days is
contemplated. Extension is granted based upon
Deputy Attorney General Mark A. Johnson's
representation that he anticipates filing that brief
by 5/9/2005.

S026408

PEOPLE v. LYNCH (FRANKLIN)

Extension of time granted

to March 14, 2005 to file respondent's brief.
After that date, only three further extensions
totaling about 150 additional days will be
granted. Extension is granted based upon Senior
Assistant Deputy Attorney General Gerald A.
Engler's representation that he anticipates filing
that brief by 8/9/2005.

S081148

PEOPLE v. JENNINGS (MARTIN C.)

Extension of time granted

to March 4, 2005 to file appellant's opening
brief.

S128429B171570 Second Appellate District,
Division Five

FLATLEY v. MAURO

Extension of time granted

to February 14, 2005 for appellant to file the
opening brief on the merits.

S128603

D042251 Fourth Appellate District,
Division One

COPLEY PRESS v. S.C. (COUNTY OF SAN DIEGO)
Extension of time granted

to February 23, 2005 for petitioner to file the
answer brief on the merits.

S129448

B165082 Second Appellate District,
Division Five

ACTION APARTMENT ASSOCIATION v. CITY OF
SANTA MONICA

Extension of time granted

to January 14, 2005 for appellants to file the
answer to the petition for review.

S128933

B169138 Second Appellate District,
Division One

PEOPLE v. ARMSTRONG
Counsel appointment order filed

Ava R. Stralla is appointed to represent
appellant (Darrin Levar Armstrong) on his
appeal pending in this court.

S033360

PEOPLE v. WALLACE (KEONE)
Order filed

Respondent's request for relief from default and
for leave to file respondent's brief is granted.

S125998

WALKER ON DISCIPLINE
Order filed

Due to an error of the State Bar, the order herein
filed September 13, 2004, imposing discipline
on **JENNIFER L. WALKER, State Bar No.
159885**, is modified nunc pro tunc to provide
that costs are awarded to the State Bar, and
one-third of said costs must be added to and
become part of the membership fees for years
2006, 2007 and 2008. (Bus. & Prof. Code
section 6086.10.)

S103280**WILLIAMS ON DISCIPLINE**

Probation revoked

Good cause having been shown, it is hereby ordered that probation is revoked, the previously ordered stay of execution of suspension in the above entitled matter is lifted, and **TRACY LYNN WILLIAMS, State Bar No. 161265**, must be actually suspended from the practice of law for two years and until she provides proof satisfactory to the State Bar Court of her rehabilitation, fitness to practice and present learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. Credit toward the period of actual suspension shall be given for the period of involuntary inactive enrollment which commenced on October 15, 2004 (Business & Professions Code section 6007(d)(3)). Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S116086**WILLIAMS ON DISCIPLINE**

Probation revoked

Good cause having been shown, it is hereby ordered that probation is revoked, the previously ordered stay of execution of suspension in the above entitled matter is lifted, and **TRACY LYNN WILLIAMS, State Bar No. 161265**, must be actually suspended from the practice of law for two years and until she provides proof satisfactory to the State Bar Court of her rehabilitation, fitness to practice and present learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. Credit toward the period of actual suspension shall be given for the period of involuntary inactive enrollment which commenced on October 15, 2004 (Business & Professions Code section 6007(d)(3)). Costs are awarded to the State Bar in accordance with Business & Professions

Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S128607

HERNANDEZ ON DISCIPLINE
Recommended discipline imposed

It is ordered that **GEORGE HERNANDEZ, State Bar No. 134148**, be suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 60 days. **George Hernandez** is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed July 22, 2004, as modified by its order filed August 19, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-half of said costs must be added to and become part of the membership fees for the years 2006 and 2007. (Bus. & Prof. Code section 6086.10.)

S128609

ENGQUIST ON DISCIPLINE
Recommended discipline imposed: disbarred

It is hereby ordered that **RICHARD W. ENGQUIST, State Bar No. 65718**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days,

respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S128611

GRIMES ON DISCIPLINE

Recommended discipline imposed

It is ordered that **MILTON CHARLES GRIMES, State Bar No. 59437**, be suspended from the practice of law for one year and until he has shown proof satisfactory to the State Bar Court of respondent's rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on September 3, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S128619

COOK ON DISCIPLINE

Recommended discipline imposed

It is ordered that **GEORGE ROBERT COOK, State Bar No. 91777**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on September 8, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective

date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S128817**BOYLAN ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **NELSON ROSS BOYLAN, State Bar No. 75899**, be suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of respondent's rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for sixty (60) days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed September 8, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and one-half of said costs must be added to and become part of the membership fees for the years 2006, and 2007.

S128821**CONSIGLIO ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **MICHAEL EDWARD CONSIGLIO, State Bar No. 55550**, be suspended from the practice of law for one year and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to

practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on September 14, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S128822

FORMICA ON DISCIPLINE

Recommended discipline imposed

It is ordered that **CRAIG THOMAS FORMICA, State Bar No. 187574**, be suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of respondent's rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for four years on condition that he be actually suspended for sixty (60) days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed September 8, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and one-third of said

costs must be added to and become part of the membership fees for the years 2006, 2007, and 2008.

S128823

HARTWELL ON DISCIPLINE

Recommended discipline imposed

It is ordered that **LESLIE LAYTON HARTWELL, State Bar No. 66139**, be suspended from the practice of law for three years, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for one year and until he makes restitution to William or Elaine Keet (or the Client Security Fund, if appropriate) in the amount of \$900; and to Charles Picker (or the client Security Fund, if appropriate) in the amount of \$900, and furnishes satisfactory proof thereof to the Office of Probation of the State Bar, as recommended by the Hearing Department of the State Bar Court in its decision filed August 24, 2004; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If respondent is actually suspended for two years or more, he must remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that he comply with rule 955 of the California Rules of Court, and that respondent perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable

in accordance with Business & Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S128824

LENARD ON DISCIPLINE

Recommended discipline imposed

It is ordered that **RICHARD ALLEN LENARD**, **State Bar No. 153916**, be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 30 days. **Richard Allen Lenard** is also ordered to comply with the other conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed September 16, 2004. Costs are awarded to the State Bar and one-third of said costs must be added to and become part of the membership fees for the years 2006, 2007 and 2008. (Bus. & Prof. Code section 6086.10.)

S128827

PENA ON DISCIPLINE

Recommended discipline imposed

It is ordered that **OTTO IVAN PENA**, **State Bar No. 182379**, be suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 30 days. **Otto Ivan Pena** is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed September 10, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective

date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-third of said costs must be added to and become part of the membership fees for the years 2006, 2007 and 2008. (Bus. & Prof. Code section 6086.10.)

S129165**LYONS ON DISCIPLINE**

Case dismissed -- resignation accepted in related case

The resignation of **MICHAEL JOSEPH LYONS** having been accepted in S130465, this proceeding is dismissed without prejudice to further proceedings should Michael Joseph Lyons hereafter seek reinstatement.

S129994**MEDILL ON DISCIPLINE**

Case dismissed -- resignation accepted in related case

The resignation of **Cary Warren Medill** having been accepted in S130464, this proceeding is dismissed without prejudice to further proceedings should **Cary Warren Medill** hereafter seek reinstatement.

S130464**MEDILL ON RESIGNATION**

Resignation accepted with disc. proceeding pending

The voluntary resignation of **Cary Warren Medill, State Bar No. 55924**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.
*(See Bus. & Prof. Code, § 6126, subd. (c).)

S130465**LYONS ON RESIGNATION**

Resignation accepted with disc. proceeding pending

The voluntary resignation of **Michael J. Lyons, State Bar No. 102225**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S130485**ROMERO ON RESIGNATION**

Resignation accepted with disc. proceeding pending

The voluntary resignation of **ROBERT M. ROMERO, State Bar No. 80604**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)